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Attorney Docket No. MCRVT-023C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Horton, et al.

Art Unit: 3731

Application No.: 09/758,832

Examiner: Thaler, M.

Filed: January 11, 2001

For: Insitu Formable and Self-Forming  
Intravascular Flow Modifier (IFM) and  
IFM Assembly for Deployment of Same

Transmittal of Information Disclosure Statement

Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

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Dear Sir:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but *before* the mailing date of either:
  - (1) a final action under § 1.113 or
  - (2) a notice of allowance under § 1.311, whichever occurs first.

**CERTIFICATION OR FEE**

A. Included with this transmittal is

- i. ☐ a certification (set forth below) in accordance with 37 C.F.R. § 1.97(e). (If for any reason the certificate set forth below should be unsatisfactory, the Commissioner is provisionally authorized to charge the \$210 fee (37 C.F.R. § 1.17(p)) to Deposit Account No. 50-0878. A duplicate copy of this sheet is enclosed.)

**OR**

- ii. ☐ the attached fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).
3. ☐ The information disclosure statement transmitted herewith is being filed *after* a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before, or simultaneously with the payment of the issue fee.

### **CERTIFICATION, PETITION AND FEE**

- A. In accordance with the requirements of 37 C.F.R. § 1.97(d):
- i. Set forth below is a certification as specified in 37 C.F.R. § 1.97(e).
- ii. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. § 1.97(d)(ii).
- iii. Applicant submits the petition fee set forth in 37 C.F.R. § 1.17(i)(1). (\$130.00).

### **CERTIFICATION**

(Required if 2Ai or 3 above is marked)

4. I, the person signing below, certify
- ☐ that each item of information contained in the information disclosure statement was cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(1).
- OR**
- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after

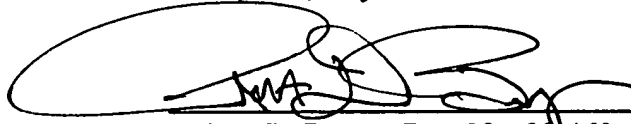
making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(2).

5. ☒ If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-0878. A duplicate copy of this petition is enclosed.

Respectfully submitted,

Stout, Uxa, Buyan & Mullins, LLP

Date: May 10, 2002



Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300  
Irvine, CA 92618  
Telephone: (949) 450-1750, Facsimile: (949) 450-1764  
email: rbuyan@patlawyers.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Washington, DC 20231, on May 10, 2002.

Dated: May 10, 2002

By:   
Francine Sanders, Assistant



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For: Insitu Formable and Self-Forming	)	
Intravascular Flow Modifier (IFM) and IFM	)	
Assembly for Deployment of Same	)	

**INFORMATION DISCLOSURE STATEMENT**  
**PURSUANT TO 37 CFR SECTION 1.97**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 CFR Section 1.97 applicant hereby discloses the documents listed on the form PTO-1449 enclosed hereto. Copies of the disclosure documents were previously submitted in connection with the parent application Serial No. 08/668,229, now issued as United States Patent No. 6,190,402.

No representation is made that the references disclosed herein legally constitute prior art, or that more relevant references are not available. The disclosed references are printed in the English language and/or accompanied by an Abstract published in the English language.

The disclosed references, when taken alone or in combination, are not believed to disclose nor make obvious the invention as claimed in the subject application.

As this Information Disclosure Statement is being submitted after three (3) months from the filing date of the application but before the mailing of a first Office Action on the merits, it is

believed that no fee is required. However, in the event that any fee is properly deemed to be due in connection with this filing, the Commissioner is authorized to deduct such fee from Deposit Account No.50-0878.

Respectfully submitted,



Robert D. Buyan  
Registration No. 32,460

Dated: May 10, 2002  
4 Venture, Suite 300  
Irvine, CA 92618

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**CERTIFICATE OF MAILING**

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I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope to Commissioner for Patents, Washington, D.C. 20231, on:

Date: May 10, 2002

Name: Francine Sanders, Assistant

Signature: \_\_\_\_\_

